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10   UNITED STATES DISTRICT COURT

11   NORTHERN DISTRICT OF CALIFORNIA

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15 MANDI HAYDEN,   )   Case No.: C 05-01785 NJV
)
16   Plaintiff,   )
)
17   vs.   )   **STIPULATION FOR RECONSIDERATION**
)   **OF ORDER DENYING SUMMARY**
18 REDWOODS COMMUNITY COLLEGE   )   **JUDGMENT TO ADDRESS DEFENDANT'S**
    DISTRICT, dba COLLEGE OF THE   )   **AFFIRMATIVE DEFENSE OF UNDUE**
19 REDWOODS, and DOES ONE to FIFTY,   )   **ADMINISTRATIVE BURDEN**
    inclusive,   )   **[F.R.C.P. RULE 59(e)]**
20   )
                Defendants.   )
21   )
)
22   )
)   Magistrate Judge Nandor J. Vadas
23

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25   The parties, acting by and through their respective legal counsel, hereby stipulate to allow

26 defendants to request leave to file a motion for reconsideration, pursuant to Civil Local Rule 7-

27 9(b)(3), of this court's order, issued on October 10, 2006, denying the parties' motions for summary

28 judgment. The parties intend that this stipulation substitute for a formal motion for leave to file a

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    _____
    Hayden v. Redwoods Community College District / STIPULATION FOR RECONSIDERATION OF DEFENDANT'S AFFIRMATIVE DEFENSE/
                                    Case No. C 05-01785 NJV

motion for reconsideration in the interests of efficiency and conserving resources, as both parties are in agreement on this request.

Upon review of the October 10, 2006 order denying summary judgment, both parties noted that the court did not address defendant's separate and distinct affirmative defense of undue administrative burden based upon the unavailability of sign language interpreters. The order fails to cite facts related to that defense and no analysis or findings regarding that defense is provided. Both parties agree and acknowledge that this issue is central to the disposition and/or resolution of this case.

Leave for a motion for reconsideration should be granted because the court did not address this potentially dispositive issue, which is a basis for granting leave for a motion for reconsideration pursuant to Civil Local Rule 7-9(b)(3). This defense was presented to the court before the issuance to the order and reconsideration of this issue is therefore proper.

In the event that leave to file a motion for reconsideration is granted, the parties submit this stipulation in lieu of a formal motion for reconsideration. The parties agree that the only issue to be determined upon reconsideration is that of the defendant's affirmative defense of undue administrative burden based on the unavailability of sign language interpreters. Since both parties agree on the issue to be reconsidered, dispensing with a formal motion for reconsideration will save time and resources for all involved parties.

Both parties respectfully request the court to provide written findings addressing defendant's affirmative defense of undue administrative burden based on the pleadings, documents on file with the court, and any such additional papers and hearings as the court deems proper. The parties respectfully request a telephone conference with the court on how to proceed in this regard before any trial or pretrial dates are set.

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Hayden v. Redwoods Community College District / STIPULATION FOR RECONSIDERATION OF DEFENDANT'S AFFIRMATIVE DEFENSE/
Case No. C 05-01785 NJV

1

2   SO STIPULATED.

3

4   Dated: October 12, 2006   _____/s/_____

5   Eugene B. Elliot
                                                Christine Lee
6   Attorneys for Defendant
                                                REDWOODS COMMUNITY COLLEGE DISTRICT

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8   Dated: _____/s/_____

                                                Jason K. Singleton
9   Attorney for Plaintiff MANDI HAYDEN

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12   PURSUANT TO STIPULATION, IT IS SO ORDERED.

13

14   Date: 10/16/06   _____

                                                HONORABLE NANDOR J. VADAS
15

16   ATTORNEY ATTESTATION

17   I hereby attest that I have on file all holograph signatures for any signatures indicated by a

18   "conformed" signature (/s/) within this E-filed document.

19

20   Dated: October 16, 2006   _____/s/_____
                                                CHRISTINE LEE
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                     _____
     Hayden v. Redwoods Community College District / STIPULATION FOR RECONSIDERATION OF DEFENDANT'S AFFIRMATIVE DEFENSE/
                                   Case No. C 05-01785 NJV